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ST. MARYS CITY COUNCIL
ST. MARYS, GEORGIA

At the regular meeting of the St. Marys City Council, held in the St. Marys City Hall, St. Marys, Georgia:

Present:

John F. Morrissey, Mayor
Robert L. Nutter, Councilman, Post 1
Elaine Powierski, Councilwoman, Post 2
Jim Gant, Councilman, Post 3
David Reilly, Councilman, Post 4
Sam L. Colville, Councilman, Post 5
Linda P. Williams, Councilwoman, Post 6

On motion of _____, which carried
_____, the following Ordinance amendment was adopted:

AN AMENDMENT TO THE CODE OF ORDINANCES, CITY OF ST. MARYS, GEORGIA, CHAPTER 22 BUSINESS, ARTICLE VI – TEMPORARY SALES AND SOLICITORS AND STREET VENDORS TO PROVIDE FOR MOBILE FOOD SERVICE AND VENDING UNITS, INCLUDING DEFINING BASE OF OPERATION, FIXED FOOD SERVICE ESTABLISHMENT, FOOD TRUCK, MOBILE FOOD SERVICE AND VENDING UNIT, AND PUSHCART, WHILE ESTABLISHING PERMITTING AND LICENSING PROCEDURES, GROUNDS FOR GRANTING OR DENYING AN APPLICATION, OPERATIONAL REQUIREMENTS AND PROVISIONS, INCLUDING LITTER, FIRE SAFETY, SPECIAL EVENTS, ENFORCEMENT AND PENALTIES.

Be it, and it is, hereby ordained by the Mayor and Council of the City of St. Marys, this __ day of _____, 2016 that Section 22 of the Code of Ordinances, City of St. Marys, Georgia is hereby amended to read as follows:

EXPLANATION OF CHANGES

NOTE: Deletions are ~~stricken through~~, additions are underlined.

ARTICLE VI. - TEMPORARY SALES, ~~AND SOLICITORS~~, MOBILE FOOD SERVICES AND ~~STREET~~ VENDORS

FOOTNOTE(S):

--- (5) ---

Editor's note— An ordinance adopted Dec. 5, 2011, amended art. VI in its entirety to read as herein set out. Former art. VI, §§ 22-181—22-187, was entitled "Temporary Sales and Solicitors", and derived from: Ord. of Feb. 26, 2007(1).

Sec. 22-181. - Intent and purpose.

It is the intent of this article to provide for the regulation of temporary sales ~~and~~, solicitors, mobile food services and ~~street~~-vendors within the city. The purpose of this article is to protect, maintain and enhance public health, safety and general welfare by regulating temporary sales ~~and~~, solicitors, mobile food services and ~~street~~-vendors within the City of St. Marys. The citizens of St. Marys are subject to unregulated temporary sales or solicitors and ~~street~~-vendors by sometimes questionable organizations or individuals with illegitimate products or no intent to deliver. It is the purpose of this article to regulate temporary sales and solicitors and ~~street~~ vendors to protect the public health, safety and welfare; to establish uniform regulations for the operation of mobile food service units; and to enhance street-level economic opportunities within the City. Neither is it the intent of this article to infringe free speech rights or require licensing for persons going door-to-door for political campaigns, religious proselytizing, or other free speech reasons.

(Ord. of 12-5-11)

Sec. 22-182. - Definitions.

For the purposes of this article, the following definitions shall apply:

Base of Operation means a food service establishment, or any other permitted location in which food, containers or supplies are kept, handled, prepared, packaged, stored, or placed in containers for subsequent transport, sale or service elsewhere.

Block means a parcel of land entirely surrounded by streets or highways, railroad rights-of-way, waterways, or by a combination thereof.

Fixed Food Service Establishment means a non-mobile public or private establishment which prepares and serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. The term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which retail sandwiches or salads, soda fountains, and similar facilities by whatever name called. This term shall not apply to establishments offering food service incidental to their operations.

Food Truck encompasses all mobile food service units with the exception of pushcarts. Food trucks shall be no larger than 30x8 feet and shall be required to move at the discretion of the Community Development Director, Code Enforcement Official or the City of St. Marys Emergency Service officers.

Locally grown produce means seasonal sales of products from Camden County or surrounding counties, harvested or produced during the growing season, as evidenced by an occupational tax license from the grower or producer.

Mobile Food Service and Vending Unit means a trailer, pushcart, vehicle or any other similar conveyance operating as an extension of and under the managerial authority of the permit holder of its permitted base of operation. The mobile food service unit and its permitted base of operation together make a mobile food service establishment. There shall be no fixed or permanent fixtures to a site, including, but not limited to, water, sewer, electricity, signage, fencing or decking.

Nonprofit organization means organizations established for purposes other than generating profit, including schools and community service organizations. Such organizations need not have obtained tax-exempt status from the IRS.

Pushcart means a human propelled, self-contained, enclosed vending or food service cart that operates at pre-determined locations as approved by the Health Authority and the City of St. Marys. Menu items will be reviewed by the Permit Review Committee and approved by the Community Development Director. Pushcarts shall be no larger than 5 feet wide x10 feet long x 10 feet high.

Solicitor means any person who goes from house to house, from place to place, or from street to street soliciting or taking or attempting to take orders for any goods, wares or merchandise, including books, periodicals, magazines, or personal property of any nature whatsoever for future delivery, or seeking information, money, donations or financial assistance for any purpose whatsoever, or soliciting or taking or attempting to take orders for services to be furnished or performed in the future.

Street vendor means any person who establishes a location within the area so designated to sell specific items as regulated by this article. This use ~~shall~~ may be reauthorized on a calendar year to year basis as approved by city council.

Temporary sales means any person who goes from house to house, from place to place, or from street to street, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries to purchasers, or giving or leaving leaflets, pamphlets or other items that promote or advertise the sale of goods or the provision of services for profit.

(Ord. of 12-5-11)

Sec. 22-183. ~~Temporary sales or solicitor-p~~Permit requirement.

Without having first registered with the ~~planning community development~~ department, obtaining a permit and paying the appropriate fee, no temporary sales or solicitor or street vendor may undertake any activity as enumerated in this article. No temporary sales or solicitor shall call at residences, offices or businesses or leave at residences, offices or businesses coupons, cards, circulars, flyers, samples or other written or printed solicitations. The permit shall state the specific dates on which the temporary sales or solicitor is permitted to engage in business as a temporary sales or solicitor. Each temporary sales or solicitor must carry the permit at all times and must produce the permit for inspection on the request of a law enforcement officer or, when calling on a residence, office or business, or on the request of the occupant thereof.

(Ord. of 12-5-11)

Sec. 22-184. - Application for permit—Temporary sales or solicitor.

(a) Each person applying for a permit under this article shall complete a registration form giving complete identification, signature, employer name and proposed method of operation in the city, and such other identification or information as may be requested, including any county or state permits or requirements. Each such person shall, in advance, obtain an occupational tax license and pay the city a fee of \$300.00 per year reduced by \$25.00 for any full month already passed at the time of issuance of the permit. \$15.00 per day for each day the permit authorizes the applicant to engage in business, up to a maximum of \$300.00 per month, as a solicitor or temporary sales. Permits for on-site sale of products will be issued for property located within the C2 commercial district, not including any public property, with written permission from the property owner and the property must have the ability to allow vehicles to exit the street or roadway completely and shall not create a traffic hazard. The ~~code enforcement officer~~Community Development Director or designated public official shall have the final approval on whether a particular C2 property shall be permitted to be used for on-site temporary sales without creating a traffic hazard. Applicants must submit an approval letter from the property owner along with a diagram showing the location of the on-site temporary sales within the approved C2 commercial district. Moving to a location not approved voids the temporary sales permit and the applicant must reapply for a new permit. Failure to have a copy of the permit on-site for inspection voids the permit and the applicant must reapply. Any applicant may submit a current occupational tax license from anywhere else in Georgia as proof of paying an occupational tax but will still be required to pay the daily fee to obtain a city permit to solicit or have temporary sales of products within the City of St. Marys.

(b) Permits shall be issued on a ~~monthly~~ yearly basis prorated for months to the end of the year detailing the product to be sold and the locations authorized to be utilized. ~~Months shall be calculated as the actual days within a month started on the first day of the month and ending on the last day of the month. A permit obtained on June 20 must be renewed on July 1 and so forth. Fee shall be due the first of each month for that month. There shall be no prorated daily fees within or between months.~~

(c) Minimum information required to obtain a permit:

- (1) Name, address and telephone number.
- (2) Copy of picture ID verifying identification.

- (3) County or state required permits.
- (4) Current Georgia occupational tax license.
- (5) Owners permission to use C2 property.
- (6) Site plan showing location of sales.
- (7) List of products being sold.
- (8) Description of vehicle being used with a copy of current vehicle insurance.
- (9) Proof of applicant's lawful presence in the United States including submission of required affidavit and clearance through SAVE Program.

(d) No temporary sales applicant shall erect or construct a fixed or permanent structure, such as a fence, deck or sign as part of their facility.

(e) No temporary sales applicant shall be allowed to connect to any City utility, including, but not limited to, water, wastewater, or electrical services.

(f) No temporary sales applicant will be approved for longer than thirty consecutive days.

(g) No temporary sales applicant will be allowed to sell prepared or packaged foods.

(h) Each lot will be limited to one temporary sales operation and no more than two may operate in one city block at one time.

(h) All temporary sales applicants shall be able to move their facility upon a twenty-four request of the City.

(Ord. of 12-5-11)

Sec. 22-185. – Application for permit and licensing – Mobile Foods and Vending

(a) In general. No person shall operate a mobile food service and vending unit within the corporate limits of the City without first obtaining the proper licenses and/or permits from the state, county, and City of St. Marys. Mobile food service and vending unit operators shall at all times comply with the provisions of this Article and all other applicable local, state and federal laws, regulations or rules. All permits will be issued annually based on the calendar year. No permit issued under this Article may be prorated, transferred, or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(b) Specific requirements. Any person intending to operate a mobile food service and vending unit within the corporate limits of the City of St. Marys shall obtain, prior to commencing operation:

(1) All permits as may be required to operate a mobile food service unit by the state, including the Department of Public Health, and Camden County, including the Health Department;

(2) A City of St. Marys Mobile Food Service and Vending Unit Permit, including

a. Mobile Food and Vending Location Plan & Agreement

b. Mobile Food and Vending Itinerary & Operating Schedule

c. Mobile Food Restroom Agreement; and

(3) A City of St. Marys Occupational Tax License

(c) Mobile food service and vending unit permit application - contents. Applicants seeking a Mobile Food Service and Vending Unit Permit shall submit, on an annual basis, an application for such permit to the Community Development Director, or his/her designee. The application shall be furnished under oath on a form specified by the Community Development Director, accompanied by a non-refundable application fee as set forth in the City's annual Revenue Ordinance. Such application shall include:

(1) The name, address, telephone number, and email address of the mobile food service unit's owner(s) of record and the natural person(s) who will be operating the mobile food service and vending unit, if different from the owner(s). A permit shall be required for each mobile food service and vending unit, notwithstanding unity of ownership or operation. Where an owner(s) is a non-natural person whether or not formally organized, the application shall identify all partners, officers, directors and/or natural person with a financial interest in any such entity, including personal contact information for each;

(2) Information identifying the mobile food service and vending unit including, its make, model and license plate number, together with a photograph of the mobile food service and vending unit;

(3) The corporate and, where applicable, trade name of the base of operations associated with the mobile food service unit, together with a copy of the base of operation's City of St. Marys Occupational Tax License. Where the base of operation is located outside the City limits, the applicant shall provide evidence of licensing in the base of operation's home jurisdiction;

(4) A copy of the approved permit for the mobile food service and vending unit issued by the Camden County Public Health Department or Georgia Department of Agriculture;

(5) A copy of the approved permit and inspection certificate for the base of operation issued by the Camden County Public Health Department or Georgia Department of Agriculture;

(6) A Mobile Food and Vending Location Plan & Agreement, which includes proposed location of the unit and a signed lease or agreement with private property owner, or signed approval of Community Development Director for public properties;

(7) A Mobile Food and Vending Itinerary & Operating Schedule, indicating intended dates and times of operation;

(8) Where temporary seating is allowed and provided, a scaled drawing for each site indicating where the seating will be located and number of seats to be furnished; no seating will be allowed on public properties, unless approved by the Community Development Director in the Mobile Food and Vending Itinerary & Operating Schedule;

(9) A copy of the mobile food service unit's food and beverage menu;

(10) An itemized list, with proposed price, of items to be sold. This list will be limited to the sale of the following items:

a) Tee shirts, caps and general merchandise.

b) Postcards, arts and crafts.

c) Fresh, packaged and prepared foods and snacks.

d) Non-alcoholic beverages.

e) Sun tan lotion, bug spray, sun glasses, and other outdoor protection products.

(11) Mobile Food and Vending Service Units will be limited to areas identified as Pushcart Vending Zones and Food Truck Zones on the St. Marys Vending Zone Map, which can be found at the Community Development Department and online at the St. Marys Community Development Document Center.

(12) Any license issued shall be for only one calendar year, excluding Official City of St. Marys Festival Days: Mardi Gras, Fourth of July, Rock Shrimp and Wounded Warriors Day. Partial year permits shall be prorated by month, with no guaranteed future renewal of any license, or any guarantee of the continuance of this agreement beyond one calendar year.

(13) Any other information that the Community Development Department Director may, from time-to-time, deem material to the permitting of mobile food service units within the City limits; and

(14) Application for permit and yearly renewal shall be accompanied by such fee as established by City Council and any renewal is subject to full review for adherence to the provisions of this article.

Sec. 22-186 Grant or Denial of Application.

Review and consideration of an application shall be conducted in accordance with principles of due process by the Permit Review Team, which includes the Community Development Director, Public Works Director, Fire Chief and Building Official, at their weekly meeting. Applications may be denied where an applicant fails to demonstrate that he or she meets the conditions and requirements of this Article, or where an applicant fails to comply with applicable local, state or federal law. Any false statements, material omissions or substantially misleading information provided in an application or furnished by an applicant in connection with an application constitute grounds for any one or combination of the following sanctions: permit denial; refusal to renew a permit; permit revocation; permit suspension; and imposition of penalties.

Sec. 22-187 Operational Requirements and Provisions.

(a) Food trucks. The following operational requirements and conditions apply to food trucks:

(1) Food trucks shall not conduct business without all required permits, with the exception of special events recognized by the City of St. Marys for which the food truck has received pre-approval from the Community Development Department Director.

(2) Food trucks shall limit operations to the hours of 7:00 AM to 11:00 PM.

(3) Food trucks shall not operate on private property without the written consent of the property owner.

(4) Only three food trucks are permitted at one time in each of the Downtown, Midtown and Westside Zones, as identified on the Vending Zone Map, unless they have an authorized Assembly Permit from the City Manager.

(5) No operator or employee of a food truck may, at any time, utilize amplified sound devices to solicit patrons or otherwise advertise the truck's goods and services. Food trucks shall comply with the City's Noise Control Ordinance, as amended.

(6) The mobile food service unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the food truck is conducting business.

(7) Food trucks may conduct business only within the Food Truck Zone designated for such activity set forth by the St. Marys Vending Zone Map, as amended.

(8) When conducting business, food trucks shall provide no less than ten feet of unobstructed pedestrian space, as measured from the main service window and shall locate its service window towards the sidewalk and not the street.

(9) Food trucks may not be left unattended or otherwise stored on sites at which they offer the sale of food and beverage to the public.

(10) Food trucks shall comply with all applicable local, state and federal health and safety laws, regulations and rules.

(11) Food trucks may place one temporary sandwich board for advertisement purposes no more than four feet from the main service window. All other signage shall be limited to the vehicle and is not allowed to extend beyond the vehicle by more than four feet. All signage permitting fees are included in the Mobile Food Service Unit Permit fee.

(12) Food trucks may not conduct business in a location that might block or impede either pedestrian or vehicular traffic.

(13) Food trucks may not conduct business with any person while such person is situated in a motor vehicle.

(14) Food trucks may provide temporary seating for up to 12 customers; provided, however, that such seating does not impede any right-of-way or any other public space. A scaled drawing must be submitted with the application which indicates the proposed dimensions and layout of the proposed temporary seating area.

(15) Toilet Facilities- See Georgia Department of Public Health Rule 511-6-1-.06(2)(h).

(16) Food trucks shall not erect or construct a fixed or permanent structure, such as a fence, deck or sign as part of their facility.

(17) Food trucks shall not be allowed to connect to any City utility, including, but not limited to, water, wastewater, or electrical services, without written permission of the City Manager.

(b) Pushcarts. The following operational requirements and conditions apply to push carts:

(1) Pushcarts shall not conduct business without all required permits, with the exception of special events recognized by the City of St. Marys for which the pushcart has received pre-approval from the Community Development Director.

(2) Pushcarts shall limit operations to the hours of 7:00 AM to 11:00 PM.

(3) Only three pushcarts are permitted at one time in the Vending Zone, as identified on the Vending Zone Map, unless they have an authorized Assembly Permit from the City Manager.

(4) No operator or employee of a pushcart may, at any time, utilize amplified sound devices to solicit patrons or otherwise advertise the pushcart's goods and services. Pushcarts shall comply with the City's Noise Control Ordinance, as amended.

(5) The mobile food service and vending unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the push cart is conducting business.

(6) Pushcarts may conduct business only within the Vending Zone designated for such activity set forth by the St. Marys Vending Zone Map, as amended.

(7) When conducting business, pushcarts shall provide no less than six feet of unobstructed pedestrian space, as measured from the main service window.

(8) Pushcarts shall comply with all applicable local, state and federal health and safety laws, regulations and rules.

(9) Pushcarts may not display signage not affixed to the vehicle and shall never exceed 25 square feet of signage.

(10) Pushcarts may not conduct business in a location that might block or impede either pedestrian or vehicular traffic.

(11) Pushcarts may not conduct business with any person while such person is situated in a motor vehicle.

(12) Pushcarts may not furnish temporary seating.

(13) Pushcarts shall not erect or construct a fixed or permanent structure, such as a fence, deck or sign as part of their facility.

(14) Pushcarts shall not be allowed to connect to any City utility, including, but not limited to, water, wastewater, or electrical services, without written permission of the City Manager.

Sec. 22-188 Litter.

(a) Each mobile food service unit shall provide a suitably-sized receptacle for litter, which shall be located within ten feet of the service window of the unit. It shall be maintained and regularly emptied. All waste generated by the mobile food service unit's operation, including that associated with its customers and staff, must be disposed of at the base of operation.

(b) The area within which a mobile food service unit operates shall, at all times, be kept clean and free from litter, garbage, rubble and debris. For purposes of this Section, a mobile food service unit shall be responsible for maintaining in a safe and hygienic manner, the premises on which it is situated.

Sec. 22-189 Fire Safety.

To minimize the threat to public safety posed by fire, the following apply:

(a) Combustible gas detector. Prior to the operation of any combustible gas-fueled appliances, all visible connections shall be inspected for leakage utilizing a combustible gas detector. Detected leaks shall be repaired before any gas-fueled appliance is operated.

(b) Propane cylinders. No combustible gas fuel tank or cylinder may be connected while the mobile food service unit is traveling upon any street, road or highway.

(c) Portable fire extinguishers. All food trucks or pushcarts with a heating element shall be equipped with a readily accessible multipurpose dry chemical portable fire extinguisher with a minimum rating of 2A 10BC. All mobile food service units utilizing fats or cooking oils, including those that produce grease, grease laden vapors or oily byproducts, shall, in addition to the ABC fire extinguisher, be equipped with a readily accessible Class K portable fire extinguisher. All required fire extinguishers shall be maintained in compliance with National Fire Protection Association 10, as amended.

(d) Operations prior to set up. Mobile food service units are prohibited from igniting, starting or operating any appliances requiring heat, electricity or combustible gases while traveling upon any street, road or highway.

(e) Exhaust creating nuisance. Emission of exhaust gases or smoke shall not be handled in such a manner as to constitute a nuisance.

(f) Hood cleaning and maintenance. Mobile food service units shall be maintained and regularly cleaned to minimize the buildup of grease and other combustible residues. This includes all interior and exterior surfaces upon which grease can or may accumulate including, but not limited to, hold filter surfaces, plenums, ducts, exhaust fans and exterior cowlings.

(g) Fire suppression system inspections. All mobile food service unit fire suppression systems shall be inspected and maintained in accordance with the applicable provisions of the National Fire Protection Association. The system shall be tagged in accordance with the Rules and Regulations of the Georgia Safety Fire Commissioner.

Sec. 22-190 Special Events.

The Community Development Director may permit licensed mobile food service and vending units to operate at special events, including Rock Shrimp Festival, Fourth of July Festival, Mardi Gras Festival and Wounded Warriors Day Event.

Sec. 22-191 Prohibitions, Enforcement and Penalties.

1. It shall be unlawful for any peddler or solicitor to:

(a) Call at residences, offices or businesses clearly displaying a sign stating "No Solicitors or Temporary Sales Invited," "No Solicitation," "No Solicitation within a marked neighborhood", or using similar language.

(b) Engage in door-to-door soliciting on Sundays or between the hours of 6:00 p.m. and 10:00 a.m. Monday through Saturday.

(c) Enter any private dwelling without the consent of the owner or occupant, or to remain there after being requested or directed to leave.

(d) Fail to register and carry or produce for inspection a permit when required under this article.

(e) Make any false or deceptive statement on any registration hereunder.

(f) Violation of any and all city, county or state ordinances or laws.

2. To ensure the continued application of the intent and purpose of this Article:

(a) the Community Development Director shall notify the owner(s) and operator(s) and, where applicable, the Camden County Health Department, of all instances in which a citation is issued to a mobile food service unit.

(b) The Community Development Director shall maintain a record of all code violation charges, founded accusations and convictions concerning mobile food service units. When a mobile food service unit owner or operator accumulates three code violations for a particular mobile service

unit within a period of twelve consecutive months, regardless of corporate naming or structuring, the City shall revoke the mobile food service unit permit and reject all applications for a mobile food service unit permit by the concerned owner(s) and operator(s) for a period of twelve consecutive months following the date of revocation.

(c) If a mobile food service unit owner or operator has been cited for and found to be in violation of any zoning, health or life safety code provision, the owner or operator must demonstrate compliance with the applicable code prior to being eligible to continue operations under the current permit.

(d) Citations for code violations shall be heard by the City of St. Marys Municipal Court.

3. Violations of this Article are subject to the following sanctions, which may not be waived or reduced and which may be combined with any other legal remedy available to the City:

(a) First violation: \$500.

(b) Second violation within the 12 months following the first violation: \$750.

(c) Third violation within the 12 months following the first violation: \$1,000 and revocation of the mobile food service unit permit.

4. Nothing in this section shall limit the City from enforcement of its code, state or federal law by any other legal remedy available to the City. Nothing in this section shall be construed to limit or supplant the power of any City inspector or other duly empowered officer under the City's ordinances, rules and regulations or the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from operation of a mobile food service unit as a nuisance, including abatement thereof by lawful means.

Sec. 22-192 Reserved.

~~Sec. 22-185. Application for permit—Street vendor.~~

~~(a) Each person applying for a permit under this article shall complete a registration form giving complete identification, signature, employer name and proposed method of operation in the city, and such other identification or information as may be requested, including any county or state permits or requirements. Street vendors shall also obtain in advance an occupational tax license and pay the city fee per month or for any part of a month as listed below. Permits for on-site sale of products will be issued for a maximum of three six street vendors on any public or private property located within zone 2 of the C-1 commercial district with written permission from the city and/or the property owner. The street vendor must not restrict the ability of vehicles to exit the street or roadway completely and shall not create a traffic hazard. Applicants must submit an approval letter from the property owner or the city along with a diagram showing the requested location of the street vendor within the approved C-1 commercial district with any permit application. Moving to a location not approved voids the street vendor permit and the applicant must reapply for a new permit. Failure to have a copy of the permit on-site for inspection voids the permit and the applicant must reapply.~~

~~(b) Permits shall be issued on a monthly yearly basis detailing the product to be sold and the locations authorized to be utilized. Permits shall only be approved for a calendar year commencing on January 1 and ending on December 31. Partial year permits shall be prorated by month, but all street vendor permits shall end on December 31 and be reissued on January 1.~~

~~Council reserves the right to discontinue this street vendor use on December 31 of any year for any reason without any liability to the street vendor for any costs that the street vendor may have incurred during the term of the permit.~~

~~(c) Minimum information required to obtain a permit:~~

~~(1) Name, address and telephone number.~~

~~(2) Copy of picture ID verifying identification.~~

~~(3) County or state required permits.~~

~~(4) Current Georgia occupational tax license.~~

~~(5) Owner or city permission to use C1 property or the ROW.~~

~~(6) Site plan showing location of sales.~~

~~(7) List of products being sold.~~

~~(8) Description of vehicle being used with a copy of current vehicle insurance.~~

~~(9) Proof of applicant's lawful presence in the United States including submission of required affidavit and clearance through SAVE Program.~~

~~(Ord. of 12-5-11)~~

~~Sec. 22-186. Prohibited acts - Peddler or solicitor.~~

~~It shall be unlawful for any peddler or solicitor to:~~

~~(1) Call at residences, offices or businesses clearly displaying a sign stating "No Solicitors or Temporary Sales Invited," "No Solicitation," "No Solicitation within a marked neighborhood", or using similar language.~~

~~(2) Engage in door to door soliciting on Sundays or between the hours of 6:00 p.m. and 10:00 a.m. Monday through Saturday.~~

~~(3) Enter any private dwelling without the consent of the owner or occupant, or to remain there after being requested or directed to leave.~~

~~(4) Fail to register and carry or produce for inspection a permit when required under this article.~~

~~(5) Make any false or deceptive statement on any registration hereunder.~~

~~(6) Operate more than one temporary sales business at one location.~~

~~(7) Operate more than two temporary sales businesses within a city block.~~

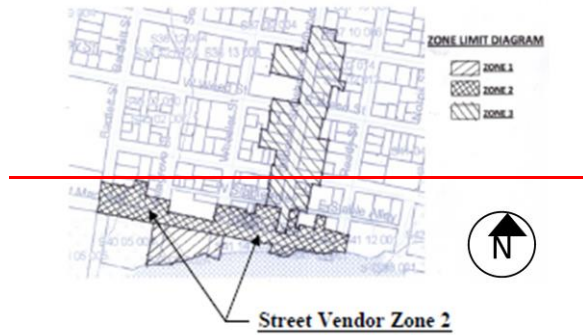
~~(8) Violation of any and all city, county or state ordinances or laws.~~

~~If any prohibited act is violated, upon Upon the first offense violation of these regulations, the temporary sales or solicitor permit will be revoked. The owner of the permit will not be permitted to reapply for another permit for a period of six months. Upon any prohibited act being violated, a second or subsequent time violation of these regulations, then the owners~~

~~permit will be revoked and any reapplication for a permit by the owner will be permanently denied.~~

~~(Ord. of 12 5 11)~~

~~Sec. 22 187. Requirements for a street vendor.~~



~~(a) Vendor zone: There would be one zone in the C-1 classification for street vendors known as Zone 2. This zone uses the same zone designation as for the alcohol ordinance. Zone 2 is the indicated area on the map north side of St. Marys Street. Street vendors are not permitted in zone 1 or 3. Zone 2 permitted locations shall be based on area available without using existing parking areas. Street vendors in zone 2 shall be limited to a maximum of three six vendors. There shall be no vendors located on the south side of St. Marys Street that would block the view to the St. Marys River.~~

~~(b) Street vendor equipment shall be reviewed by the historic preservation commission at a regularly scheduled meeting. No permit shall be issued without a valid HPC certificate of appropriateness.~~

~~(b) The type of vendor shall be limited to the sale of the following items:~~

~~(1) Tee shirts, and caps, with St. Marys/Cumberland/Camden/Kingsland/Woodbine themes. No "general" type Tee shirts and general merchandise.~~

~~(2) Postcards, of local attractions arts and crafts.~~

~~(3) Hot dogs/hot sausages with condiments. No fried foods. Fresh, packaged and prepared foods and snacks.~~

~~(4) Packaged ice cream/yogurt products. Non-alcoholic beverages.~~

~~(5) Prepackaged candy and snacks.~~

~~(5) Sun tan lotion, bug spray, sun glasses, and other outdoor protection products.~~

~~(ed) Any license issued under this option shall be for only one calendar year, excluding Official City of St. Marys festival days. Partial year permits shall be prorated by month, with no guaranteed future renewal of any license, or any guarantee of the continuation of this option beyond one calendar year. No license issued shall extend beyond December 31, 2012.~~

- ~~(de) Fees for a vendor license shall be:~~
- ~~(1) Application fee of \$50.00 (nonrefundable).~~
- ~~(21) Yearly license fee of \$300 per month year prorated for any full months already passed at the time of the issuance of the permit to the end of the year.~~
- ~~(32) Occupation tax license as set forth in section 22-26-21 et seq.~~
- ~~(ef) Signage shall be limited to the cart or umbrella only. Push in signs of any type or location are not permitted. There will be no fee charged for signage on the cart or umbrella.~~
- ~~(fg) Vendor shall not provide any seating, tables or other similar equipment.~~
- ~~(gh) Vendor shall provide a visually appropriate container for trash. Vendor shall pick up and remove any trash originating from him or his customers on a daily basis using the vendor's own resources. Vendor shall not use city trash containers for vendor trash. The public, after purchase of any item, is not prohibited from using city trash containers.~~
- ~~(h) All vendors and their products shall be reviewed annually for adherence to the provisions of this article.~~

~~(Ord. of 12-5-11)~~

Sec. 22-~~188~~193. - Exemptions.

- (a) With the exception of street vendors, any person who, ~~without compensation~~, solicits or accepts money, donations, or financial assistance of any kind for any religious, charitable, educational, political, or nonprofit organization or sells merchandise ~~for a fee~~ on behalf of such an organization, or who leaves leaflets or flyers or other papers related to such an organization shall be exempt from the ~~registration and permit~~ requirements of this article. ~~Such persons shall remain subject to the prohibitions set forth in subsections 22-186(1) through (3).~~
- (b) Any person who calls upon homes, offices or businesses at the request of, or with the express permission of the occupants is exempt from the requirements of this article.
- (c) Any person who represents a business which has entered into a franchise agreement with the City of St. Marys for providing agreed upon services, and that business has registered under Sec. 22-184 with the City for an annual fee of \$300.00 and where all individuals soliciting information on behalf of the business have registered for a permit by providing the Community Development Department all information required under Sec. 22-184(c) and carry the permit at all times, as required under Sec. 22-183 is exempt from the requirements of this article.
- ~~(d) Anyone under the age of sixteen operating a booth or stand for a time not to exceed forty-eight hours and not impeding a sidewalk or right-of-way.~~
- ~~(e) Seasonal sales of locally grown produce, with written permission of the C-2 property owner or approval from Community Development for Community Markets or Special Events, provided the operator has a valid Occupational Tax License in the State of Georgia.~~

(Ord. of 12-5-11)

Sec. 22-~~189~~194. - Penalty.

618 Any person who shall violate the provisions of this article shall be punished as provided in
619 section 1-12 and in this article. Each day of operating the prohibited activities under this article
620 shall constitute a separate violation of this article.

621 (Ord. of 12-5-11)

622 Secs. 22-~~190~~195—22-210. - Reserved.